

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:05CR218</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>FIDEL SALINAS-CRUZ,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the motion of defendant Fidel Salinas-Cruz (Salinas-Cruz) for an extension of time in which to file pretrial motions (Filing No. 12). The motion does not comply with NECrimR 12.3 which provides, in part:

Absent good cause shown, a motion for an extension of time to file pretrial motions must be made within the time set for the filing of motions. Motions for extensions of time to file pretrial motions will be granted only upon a showing of good cause. If the defendant is a moving party, the motion for an extension of time to file pretrial motions shall be accompanied by the defendant's affidavit or declaration (see 28 U.S.C. § 1746) stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*;
- (3) With this understanding and knowledge, agrees to the filing of the motion; and
- (4) Waives the right to a speedy trial.

The motion:

- (    ) Is filed out of time without a showing of good cause.
- (    ) Does not contain a showing of good cause for an extension of time;
- ( ✓ ) Is not accompanied by the defendant's affidavit or declaration stating the requirements of (1)   ✓  , (2)   ✓  , (3)   ✓  , or (4)   ✓   above.

Accordingly, the motion (Filing No. 12) will be held in abeyance **until June 20, 2005**, and if the deficiencies noted above are not corrected, the motion will be denied.

**IT IS SO ORDERED.**

**ADMONITION**

Pursuant to NECrimR 57.2 any appeal of this Order shall be filed with the Clerk of the Court within ten (10) days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

DATED this 14th day of June, 2005.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge